

Testimony of Faith Gavin Kuhn
On Behalf of the Connecticut Business and Industry Association

Before the Labor and Public Employees
Committee
March
11, 2014

Testifying on SB 319 An Act Concerning Maximum Medical
Improvement

Good Afternoon. My name is Faith Gavin Kuhn and I am Communication Lobbyist for the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 employers throughout Connecticut ranging from one-person businesses to large corporations. However, the majority of our members have fewer than fifty employees.

CBIA opposes SB 319, which would bar employees and insurers from denying medical and surgical aid or hospital and nursing service to an employee who has suffered an injury for which compensation is provided under the provisions of CT Chapter 568 and has attained maximum medical improvement.

CBIA opposes this proposal based on the current judicial case law in CT and the CT Workers' Compensation Commission Chairman Mastropietro's Professional Guidelines that have served the citizens of CT as a reference since September 27, 2002.

Current case law in CT requires that medical care be curative. Maximum Medical Improvements does not mean that all treatment and will or should be terminated at a given point. Chairman Mastropietro's Guidelines are clear that the termination of medical care has to be determined on a case-by-case basis. With Chairman Mastropietro's Guidelines already addressing the issue of MMI, CBIA does not see the necessity for SB 319. The proposed bill would undermine the CT case law and ultimately prevent employers and insurers from terminating care on all cases where MMI has been attained regardless of the benefit of continued care. In addition, the CT Workers' Compensation Commission should be making the determination on continued post Maximum Medical Improvements when disputes arise.

On September 27, 2002, CT Workers' Compensation Commissioner Mastropietro specifically offered guidance on the issue of MMI. Commissioner Mastropietro's Guidebook had been a steadfast reference for the entire Commission and the citizens of Connecticut for many years now. It is a reliable guidance that allows for individual cases to be decided upon as necessary. In recognition of Commissioner Mastropietro's attention to the issue of MMI and successful resolutions, CBIA believes there is no need for SB 391 and its provisions.

CBIA urges you to reject SB 319.